

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 23, 2005

DIVISION ONE

Court convened at 9:00 a.m.

Present: Spencer, P.J., Vogel (Miriam A.), J., Mallano, J., Suzukawa, J. (Assigned) and Patricia Gonzalez, Deputy Clerk.

B163105 Bray v. La Louisanne, Inc.

Argument waived, cause submitted.

B171115 Mottahedeh v. Franchise Tax Board

Oral argument continued to April 26, 2005

B176832 Saghigian et al. v. Gest

Oral argument continued to April 27, 2005

B178421 Gray v. LA Unified School District

Oral argument continued to April 2005.

Vogel (Miriam A.), J., leaves the bench.

B169609 Action Wholesale Electric Supply Inc.
v.
Baker Cold Storage, Inc.

Merits:

Argued by Richard W. Miller for respondent and Jill Hunt appearing for appellant but not arguing. Cause submitted.

DIVISION ONE (Continued)

B175000 Mercury Insurance Co.
 v.
 State Farm General Insurance Co.

Merits:
Argued by Anne Manalili for appellant and by Lee P. O'Connor for
respondent. Cause submitted.

Vogel (Miriam A.), J., returns to the bench.

B175195 Juan R. Garcia
 v.
 Mortgage Investors Corp.

Merits:
Argued by Rob A. Hennig for appellant and by Heather McNeill for
respondent. Cause submitted.

Mallano, J., leaves the bench.

B176511 Raul Rodriguez
 v.
 Fireman's Fund Insurance Co.

Merits:
Argued by David Drexler for appellant and an appearance by Jeffrey Lim
for respondent. Cause submitted.

Mallano, J., returns to the bench.

B173649 Rick Auerbach, as Assessor, Etc.
 v.
 Assessment Appeals Board No. 1, Etc.,
 Northern Trust Bank of Ca., Etc.

Merits:
Argued by Albert Ramseyer for appellant and by Wade E. Norwood for
Real Party in Interest and Respondent. Cause submitted.

March 23, 2005 (Continued)

DIVISION ONE (Continued)

Mallano, J., leaves the bench

B175182 Masafumi Miyamoto

v.

Deutz AG, et al.

Merits:

Argued by Stanley W. McKiernan for appellant and by John B. Loomis for respondents. Cause submitted.

Mallano, J., returns to the bench.

B170867 Conservatorship of the Person and Estate of SHADEED JOHNSON

Teresa Saafir

v.

Department of Developmental Services et al.

Merits:

Argued by Tala R. Davis for appellant and by Judith A. Enright for respondents. Cause submitted.

Court adjourned.

B176018 People

(Not for Publication)

v.

Carlos Hernandez

The judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.

Suzukawa, J. (Assigned)

March 23, 2005 (Continued)

DIVISION ONE (Continued)

B175610 People (Not for Publication)
v.
Terrell

The judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.
Suzukawa, J. (Assigned)

B176601 Los Angeles County, D.C.S. (Not for Publication)
v.
Cynthia R.

The jurisdictional order is affirmed. The dispositional order is reversed and the matter is remanded for further proceedings consistent with this opinion.

Mallano, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

B177919 Los Angeles County, D.C.S. (Not for Publication)
v.
Carmen E.

The September 13, 2004 order is affirmed.

Mallano, J.

We concur: Spencer, P.J.
Suzukawa, J. (Assigned)

March 23, 2005 (Continued)

DIVISION ONE (Continued)

B176653 People (Not for Publication)

$$\mathbf{V}_i$$

Frankie L. Freemont

The judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.

Vogel (Miriam A.), J.

B173887 People (Not for Publication)

V.

Otto L. Munster

The judgment is affirmed.

Mallano, J.

I concur: Spencer, P.J.

I concur with judgment only: Vogel (Miriam A.), J.

DIVISION TWO

B172902 The People (Not for Publication)

V.

Aegis Security Insurance Company

The order denying the motion to vacate forfeiture and exonerate bonds is reversed. The motion was denied without prejudice, but Aegis made no effort to present a complete record in a renewed motion, which would have avoided the time and expense of this appeal. Accordingly, Aegis is ordered to bear respondent's costs of appeal.

Doi Todd, J.

We concur: Boren, P.J.

Ashmann-Gerst, J.

March 23, 2005 (Continued)

DIVISION TWO (Continued)

B171892 Brighton (Not for Publication)
v.
Brighton

The judgment is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

B176252 Semidey (Not for Publication)
v.
Airport Marina Honda

The order is reversed. The cause is remanded to the trial court with instructions to enter a new order granting the motion to compel arbitration and staying the entire action pending the completion of arbitration. Appellant is awarded its costs of appeal.

Doi Todd, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

B174181 Los Angeles County, D.C.S. (Not for Publication)
v.
Bonnie W.

We remand this matter to the juvenile court with directions to determine which agency shall provide mother with transportation funds for her visits with Austin and to correct the March 29, 2004 Supervised Visitation Order to reflect such determination. In all other respects, the orders appealed from are affirmed.

Doi Todd, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

March 23, 2005 (Continued)

DIVISION TWO (Continued)

[illegible]

The judgment is affirmed and Lien Seesee shall recover her costs on appeal from Thomas Seesee.

Boren, P.J.

We concur: Doi Todd, J.
 Ashmann-Gerst, J.

B172049 Kneisel (Not for Publication)
v.
City of Pasadena
Altrio Communications, Inc.

The judgment is affirmed.

Boren, P.J.

We concur: Doi Todd, J.
Ashmann-Gerst, J.

B174307 People (Not for Publication)
v.
Frederick Hoffman

The judgment is affirmed. The superior court is to cause its clerk to amend the abstract of judgment to show that the burglary to which appellant pled guilty in count 1 is of the second degree, and the clerk will send the amended abstract of judgment to the California Department of Corrections.

Boren, P.J.

We concur: Doi Todd, J.
Ashmann-Gerst, J.

March 23, 2005 (Continued)

DIVISION TWO (Continued)

B170293 People (Not for Publication)

V.

Martell Dawann Hernandez

The judgment is affirmed.

Boren, P.J.

We concur: Doi Todd, J.

Ashmann-Gerst, J.

B172392 People (Not for Publication)

V.

Bobby N. Lott

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.

Doi Todd, J.

B177176 Los Angeles County, D.C.S. (Not for Publication)

$$\mathbf{V}_i$$

Nekia D.

The order under review is affirmed.

Boren, P.J.

We concur: Doi Todd, J.

Ashmann-Gerst, J.

B175080 Rodriguez

V.

City of Los Angeles

Filed order denying petition for rehearing.

DIVISION THREE

B177861 People (Not for Publication)
v.
Frausto

The order revoking probation is affirmed. The sentence is vacated and the matter is remanded to the trial court for further proceedings consistent with the views expressed herein.

Kitching, J.

We concur: Klein, P.J.
Aldrich, J.

DIVISION FOUR

B171716 People (Not for Publication)
v.
Miranda

The judgment is affirmed.

Epstein, P.J.

We concur: Hastings, J.
Curry, J.

B176901 People (Not for Publication)
v.
Maropulos

The judgment is affirmed.

Epstein, P.J.

We concur: Hastings, J.
Curry, J.

March 23, 2005 (Continued)

DIVISION FIVE

B175297 People (Certified for Publication)
v.
Tom Smith

The appeal is dismissed.

Kriegler, J. (Assigned)

We concur: Armstrong, Acting P.J.
Mosk, J.

B172272 The People (Not for Publication)
v.
Lance Robbins

The judgment is affirmed. Each party to bear their own costs.

Armstrong, Acting P.J.

We concur: Mosk, J.
Kriegler, J. (Assigned)

DIVISION SIX

B167996 Munari (Not for Publication)
v.
City of El Paso Robles et al.,

The judgment is affirmed. Costs are awarded to respondent.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

March 23, 2005 (Continued)

DIVISION SIX (Continued)

B172894 Hudson et al., (Not for Publication)
 v.
 McCann et al.,

The judgment is affirmed. Costs are awarded to respondents.

Gilbert, P.J.

We concur: Coffee, J.
 Perren, J.

B170941 People (Not for Publication)
 v.
 Kidd

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
 Perren, J.

DIVISION EIGHT

B174155 People v. Jonathan E. Townsend (Not for Publication)
B179862 In re Townsend on Habeas Corpus

The judgment on counts 2 and 4 is reversed. The petition for writ of habeas corpus is dismissed as moot.

Boland, J.

We concur: Cooper, P.J.
 Rubin, J.

March 23, 2005 (Continued)

DIVISION EIGHT (Continued)

B168922 In the Matter of Arlene Delois Reed Living Trust.

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed July 24, 2003 and August 21, 2003) dismissed.